FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO.8422 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Vachasundar with Ms.Sarika Mehta for the Petitioner.

Mr.Y.S.Bhate for Respondent No.2.

Mr.Atul Damle for Respondent No.3.

CORAM : S.J.VAZIFDAR, J.
DATED : 16TH JANUARY, 2007

P.C:

The impugned order warrants no interference.

2. Respondent No.3 was impleaded as a party to the dispute only with a view to harass. Respondent No.3 has succeeded in proceedings right upto the Supreme Court. Pursuant thereto, he has obtained possession of the flat and his membership in the society has been confirmed.

3. The prayers in the fresh proceedings in which the impugned order was passed, are also only against the other Respondents. Indeed, they cannot be against Respondent No.3.

4. In the circumstances, the learned Judge has correctly held that Respondent No.3 is neither necessary nor a property party and his continuance is totally unnecessary and unwarranted.

5. Writ Petition is dismissed.